

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK E. FIX,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ELECTRONICALLY FILED

CIVIL ACTION

No. 04-97E

***Plaintiff's Motion to Enlarge Time for
Settlement Conference and Expert Discovery***

Filed on Behalf of Plaintiff

Counsel of Record for this Party:

Lawrence D. Kerr, Esquire
PA I.D. #58635

BERK, WHITEHEAD, KERR & TURIN, P.C.
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**PLAINTIFF'S MOTION TO ENLARGE TIME
FOR SETTLEMENT CONFERENCE AND EXPERT DISCOVERY**

AND NOW, comes the Plaintiff, MARK E. FIX, by and through his attorneys, Messrs. Berk, Whitehead, Kerr & Turin, P.C., and Lawrence D. Kerr, Esquire, and files the within PLAINTIFF'S MOTION TO ENLARGE TIME FOR SETTLEMENT CONFERENCE AND EXPERT DISCOVERY, wherein the following are statements:

1. The plaintiff respectfully requests that the settlement conference presently schedule for Tuesday, March 6, 2006, be continued, and that the plaintiff be given an additional ninety (90) days to conduct additional expert discovery.
2. The basis for the plaintiff's request is that plaintiff's counsel recently received a draft of the government's report in which that the government's neurologist opines that the plaintiff has multiple sclerosis instead of Lyme disease. The plaintiff respectfully contends that, since the government's medical providers started to examine the plaintiff nearly six (6) years ago, yet only now asserts that the plaintiff has multiple sclerosis, it is fair and reasonable to permit the plaintiff to conduct discovery on this question.
3. The government consents to this requests, but asks that it be given an additional thirty (30)

days for supplemental discovery should the need arise.

4. A proposed order is attached.

Respectfully submitted,
BERK, WHITEHEAD, KERR & TURIN, P.C.

s/ Lawrence D. Kerr, Esquire

Lawrence D. Kerr, Esquire

PA I.D. #58635

Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PLAINTIFF'S MOTION TO ENLARGE TIME FOR SETTLEMENT CONFERENCE AND EXPERT DISCOVERY was forwarded to counsel listed below via electronic mail on March 2, 2006.

Mary Beth Buchanan, Esquire
Michael C. Colville, Esquire
Western District of Pa
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BERK, WHITEHEAD, KERR & TURIN, P.C.

s/ Lawrence D. Kerr, Esquire
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